

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-11, 16-26 and 46-58 are pending in the application, with claims 1, 16, 46, and 53 being the independent claims. Claims 1, 16, 46, and 53 are sought to be amended. Claims 12-15 and 27-45 were canceled in a previous amendment. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Priority

The Examiner has noted that the present application 09/864,293 is a Continuation-In-Part (CIP) of Applications 09/559,964 and 09/393,390. The Examiner has alleged that this Application, 09/864,293, does not benefit from an earlier filing date due to inadequate support. (See Office Action, page 2). Applicants elect not to substantively respond to the Examiner's contentions at this time, but reserve the right to do so in the future.

Interview

Applicants would like to thank Examiner Duran for the courteous Examiner Interview conducted at the U.S. Patent and Trademark Office on June 5, 2007, with Applicants' representative Michael Q. Lee, Reg. No. 35,239.

Rejections under 35 U.S.C. § 103

In paragraphs 4, 5, 6, and 7 of the Office Action, claims 1, 2, 4, 6, 7, 9-11, 16, 17, 19, 21, 22, and 24-26 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent 6,516,341 to Shaw et al. ("Shaw") in view of U.S. Patent 5,848,396 to Gerace ("Gerace"). Furthermore, claims 3, 5, 18, and 20 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Shaw in view of Gerace as applied above, in further view of U.S. Patent 5,794,210 to Goldhaber et al. ("Goldhaber"). Claims 8, 23, and 46-54 have also been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Shaw in view of Gerace as applied above, in further view of U.S. Patent 6,332,127 to Bandera et al. ("Bandera"). Claims 57 and 58 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Shaw in view of Gerace in further view of U.S. Patent 5,933,811 to Angles et al. ("Angles"). Applicants respectfully traverse the rejections.

The combination of references does not teach or suggest all the features of claim

1. For example, claim 1 recites the following:

displaying an advertisement with interactive content on a hand-held device, wherein the advertisement is at least a portion of a web page, wherein the at least a portion of the web page was generated such that a format of the at least a portion of the web page is customized based on at least one of a screen size of the hand-held device, a color depth of the hand-held device, buttons available on the hand-held device, and a network connectivity of the hand-held device, the web page including a response form having one or more fields.

As best understood, Gerace describes a system for determining a psychographic profile of a user and providing content to the user based on the determined psychographic

profile. In particular, activities of a user are tracked and profiled to determine user habits or preferences. These determined habits or preferences help to determine the informational content and presentation of age appropriate information and advertisements that are displayed for the user. A set of User Objects 37 are provided to track information about each user. In particular, User Objects 37 include "general information about users and their computers, as well as specific data on each computer session undertaken by the users." See Gerace, Col 5, line 62 - Col. 6, line 1. Among these objects is a User Computer Object 37b that "provides an indication of the limitations and capabilities of the user's computer system." See Gerace, Col. 6, lines 15-16. For example, User Computer Object 37b may list whether the user's computer system provides audio and/or visual display and the Web browser utilized by the user's system. FIG. 3C shows an outline of the table/data set of a User Computer Object 37b in the preferred embodiment. As shown in FIG. 3C, User Computer Object 37b lists enabling technologies such as a help apps list to list whether a user can hear audio, view video, and what browser the user's computer system is running, a plug-ins list, an NLO list, and persistent ActiveX objects. Advertisements may be identified by the graphic, sound, and multimedia portions of the advertisement. A text only format may be used for users receiving messages on their E-mail server or a text only browser. See Gerace, col. 12, lines 49-56.

Applicants respectfully assert that Gerace does not teach or suggest displaying an advertisement with interactive content on a hand-held device, wherein the advertisement is at least a portion of a web page, wherein the at least a portion of the web page was generated such that a format of the at least a portion of the web page is customized based on at least one of a screen size of the hand-held device, a color depth of the hand-held

device, buttons available on the hand-held device, and a network connectivity of the hand-held device, the web page including a response form having one or more fields as recited in independent claim 1, as amended.

In particular, Gerace does not generate a web page so that it is customized according to at least one of a screen size of the hand-held device, a color depth of the hand-held device, buttons available on the hand-held device, and a network connectivity of the hand-held device. In fact, Gerace does not even track screen size, color depth, available buttons, and/or network connectivity.

Rather, Gerace uses a psychographic profile, generated from activities of the user, that "enables the data assembly to customize presentation (format) of agate information, per user, for display to the user." See Gerace, col. 2, lines 20-24. Thus, at most, Gerace uses a psychographic profile to *select* content for a user based on information about the user's computer system that is being tracked (e.g., whether the user's computer system has audio/visual capabilities).

In contrast to the claimed invention, Gerace does not *generate* content that is *customized for the device*. More particularly, Gerace does not generate content that is customized based on "at least one of a screen size of the mobile device, a color depth of the mobile device, buttons available on the mobile device, and a network connectivity of the mobile device."

Therefore, Applicants assert that claim 1 is patentable over Gerace. Shaw, Angles, Goldhaber, and Bandera do not solve the deficiencies of Gerace, so claim 1 is also patentable over these references.

Accordingly, Applicants assert that claim 1 and its dependent claims are patentable over the cited references, considered alone or in combination. Moreover, independent claims 16, 46, and 53 and their respective dependent claims are also patentable over the cited references for reasons similar to those described above with respect to claim 1. Thus, Applicants request that the rejection of claims 1-11, 16-26, and 46-58 be reconsidered and withdrawn.

Reply to Office Action of March 14, 2007

AUFRICHT *et al.*
Appl. No. 09/864,293

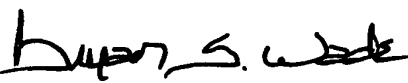
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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